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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,517	04/02/2007	Alan John Morris Freeman	M1108-1US(IHC.PA 5114 PCT	1709
27667	7590	08/31/2010	EXAMINER	
HAYES SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			COMLEY, ALEXANDER BRYANT	
			ART UNIT	PAPER NUMBER
			3746	
			NOTIFICATION DATE	DELIVERY MODE
			08/31/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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nsoloway@hayes-soloway.com

Office Action Summary	Application No. 10/593,517	Applicant(s) FREEMAN, ALAN JOHN MORRIS	
	Examiner ALEXANDER B. COMLEY	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/2006, 7/31/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 0 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "Fig 1A" and "Fig 1B". These figure labels are shown in the drawings but do not appear in the specification. Removal of these two labels and leaving the label "Fig 1" would correct this issue. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

Art Unit: 3746

or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: Paragraph 36 of Applicant's specification states "the term 'plurality' has the meaning one or more". This is not the accepted meaning of the term "plurality", nor is it reasonable to define the term as such. A plurality, by definition, requires at two or more.

Appropriate correction is required.

Claim Objections

4. **Claim 3** is objected to because of the following informalities: In line 2 of the claim, the word "in" following "wherein" appears in error and should be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 9 and 22** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if Applicant intends to invoke 112, 6th

Art Unit: 3746

paragraph with the "lifting means" recitation. The Examiner would recommend rephrasing to state "a means for lifting the high-pressure barrel assembly" if such an invocation is desired.

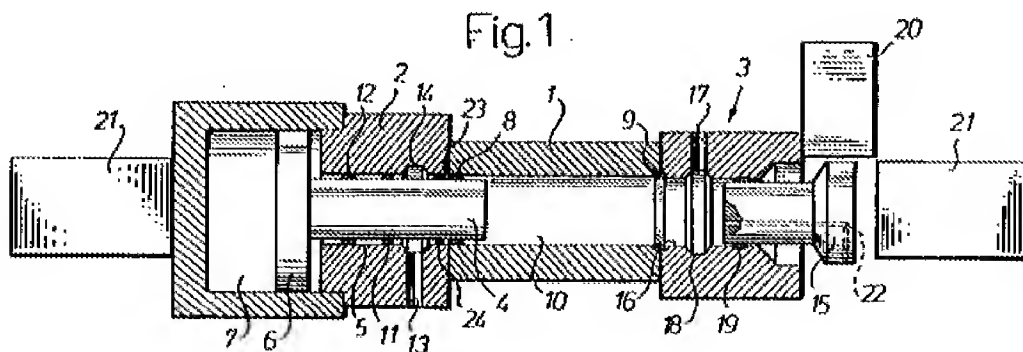
Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-9 and 11-22** are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,579,682 to Bergman et al.



In regards to Independent **Claims 1 and 11**, and with particular reference to Figure 1 shown immediately above, Bergman discloses a pressure intensifier assembly for pressurizing foodstuffs such as tomato sauces, fruit-based pulps, and quenelles (See Col. 1, Lines 20-25). Bergman's device utilizes a cylinder-and-piston 1, 4 (i.e. barrel assembly), pressurizing means (4-7), end closure assemblies (2, 3), and a surrounding tension frame with clamping pistons 21 (See Col. 6, Lines 17-36) Just like

Art Unit: 3746

Applicant's tension frame and clamping pistons, the tension frame/pistons 21 of Bergman are designed to press against the end closures (2, 3) in order to take up any axial forces placed thereon during pressurization inside chamber 10 (See Col. 7, Lines 4-17) Bergman's intensifier also appears to operate in the same manner as Applicant's invention (See Col. 7, Line 52 – Col. 8, Line 34)

6. In regards to dependent **Claims 2 and 12-14**, the tension frame/pistons 21 take the form of a clamping yoke. Regarding dependent **Claims 3 & 15**, first and second seal assemblies (8, 9) are disposed on either end of the high pressure barrel 1. In regards to dependent **Claims 4 & 16-17**, the pressurizing means (4-7) is a hydraulic piston/ram assembly (See Col. 8, Lines 3-10) Regarding dependent **Claims 5 & 18**, the surrounding housing of Bergman's intensifier acts as a stand. In regards to dependent **Claims 6-7 & 19-20**, it can be seen in Figure 1 that no screws are utilized in retaining the various intensifier components together. Moreover, Bergman specifically states that his structure allows for quick disassembly thereof (See Col. 5, Lines 49-54) Hence, the barrel 1 can be opened rapidly, and therefore allows for quick detachability thereof. Regarding dependent **Claims 8 & 21**, it can be seen in Figure 1 that the right end closure 3 is retractable via its plunger member 15 when the press frame pistons 21 retract therefrom (See Col. 8, Lines 27-34) And finally, in regards to dependent **Claims 9 & 22**, it is clear that the pressurizing fluid lifts the piston 4 of the barrel assembly during pressurization.

Art Unit: 3746

Claim Rejections - 35 USC § 103

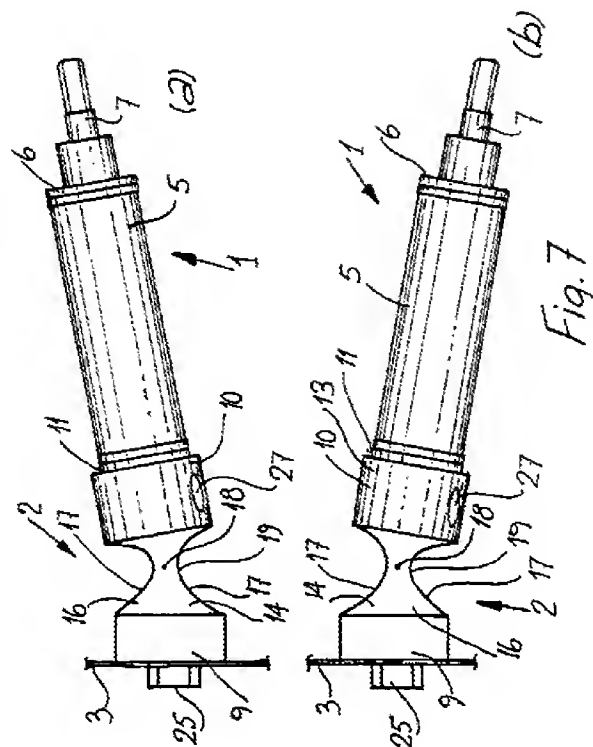
7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claims 10 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,579,682 to Bergman et al. in view of United States Patent No. 5,904,089 to Jansson et al.



With reference to Figure 7 pictured above, Jansson discloses the use of a hinged pivot mechanism (14-19) for allowing a ram mechanism to pivot on its base (See Col. 5, line 60 - Col. 6, Line 28) Both Bergman and Jansson are aimed at providing better ram apparatuses. Therefore, to one of ordinary skill desiring a more versatile ram, it would have been obvious to utilize the pivoting techniques disclosed in Jansson in combination with Bergmann in order to obtain a predictable result; that result being a pivoting ram housing that allows for better access thereto.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER B. COMLEY whose telephone number is

Art Unit: 3746

(571)270-3772. The examiner can normally be reached on M-F 7:30am - 5:00am EST (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon C. Kramer can be reached on (571)-272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander B Comley/
Examiner, Art Unit 3746

/Charles G Freay/
Primary Examiner, Art Unit 3746

ABC